

REMARKS

Upon entry of the above amendment, claim 1 will have been amended merely to enhance clarity without narrowing the scope thereof. Further, claim 12 will have been canceled without prejudice. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1-11, which are currently pending, together with withdrawal of the outstanding rejections.

In the Official Action, the Examiner rejected claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over TANIGUCHI et al (United States Patent No. 6,549,232) in view of MORONAGA (United States Patent No. 5,956,084). In addition, the Examiner rejected independent claim 12 under 35 U.S.C. §102(e) as being anticipated by MORONAGA (U.S. Patent No. 5,956,084).

Applicant respectfully traverses each of the rejections and submit that they are inappropriate with respect to the claims pending in the present application. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections together with an indication of the allowability of all of the claims in the present application.

In particular, Applicant respectfully submits that one of the features of the present invention is to provide a photographing operation, without storing the image data to the recording medium, even when a recording medium having sufficient space to store the

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image data is installed in the camera (e.g., page 15 of Applicants' specification).

Additionally, the present invention also provides the feature of providing a photographing operation, without storing the image data to the recording medium, when there is insufficient space in the recording medium and when there is no recording medium installed. Accordingly, this feature is advantageous in allowing a photographing operation to be performed (i.e. via a blank photographing mode) irregardless of the status of the recording medium (e.g., not installed, installed but lacks sufficient memory space, installed with sufficient memory space).

However, Applicant respectfully submits that the rejection is inappropriate as TANIGUCHI and MORONAGA, alone or in combination, fail to teach the limitations as recited in the claims. For example, TANIGUCHI and MORONAGA fail to disclose or suggest, inter alia, performing the blank photographing mode (i.e., storing data to a buffer memory without storing to a recording medium) when a recording medium having a blank recording area sufficient to store the image data is installed in the electronic still camera.

In the Official Action, the Examiner admits that TANIGUCHI does not disclose that the image data is not stored in a recording medium when a recording medium, having a blank recording area sufficient to store the image data is installed. Thus, the Examiner relies upon MORONAGA to overcome the deficiencies of TANIGUCHI. Yet, Applicant respectfully submits that MORANAGA also fails to disclose or suggest performing the

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blank photographing mode when a recording medium having a blank recording area sufficient to store the image data is installed as recited in the claims.

As illustrated in Figure 11 of MORONAGA, when there is sufficient space for recording the image data (i.e., step 256 proceeds to steps 257 and 258), the image data is recorded in the memory card (note Column 24, lines 46-52). More specifically, MORONAGA is directed towards storing image data in the memory card when the memory card has a blank area large enough so that recording is possible, while also storing image data in the frame memory 207 (which was indicated by the Examiner as being the buffer) whenever the release button is depressed. In other words, MORONAGA fails to disclose not storing data in the recording medium (but in the buffer) when the recording medium has sufficient space for storing the image data. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of all of the claims pending in the present application as MORONAGA fails to disclose or suggest at least a blank photographing mode (i.e., storing image data in the buffer memory without storing the image data in the recording medium), as recited in the claims. Accordingly, passage of the present application to issue is respectfully requested.

Therefore, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, and an indication to such effect is respectfully requested, in due course. In view of the

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amendments and arguments herein, Applicant submits that claim 1 is in condition for allowance.

With regards to dependent claims 2-11, Applicant asserts that they are allowable on their own merit, as well as because they depend either directly or indirectly from independent claim 1, which Applicant has shown to be allowable.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of the claims, as well as indication of the allowability of each of the claims in view of the herein-contained remarks.

Further, Applicant notes the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. §1.116. Applicant notes amendments after final are not entered as a matter of right. However, Applicant respectfully submits that the amendments made to claim 1, do not raise any new issues requiring further search or consideration. It is also submitted that the present amendment does not raise the question of new matter. Moreover, the present amendment was made merely to enhance clarity, thereby placing the claims in better condition for allowance.

SUMMARY AND CONCLUSION

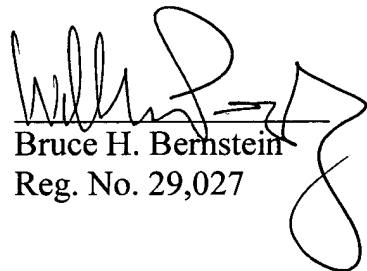
Applicant believes that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has amended the claims merely to enhance clarity and has argued their allowability. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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